

DOCKET FILE COPY ORIGINAL (Chen)
FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OCT 2 2 1997

OFFICE OF
MANAGING DIRECTOR

86-285

Mr. Joseph P. Ferraro
WHVW-AM
316 Main Mall
Poughkeepsie, N.Y. 12601

Re: Request of Waiver of Late Payment
Penalty

Dear Mr. Ferraro:

This is in response to your request for waiver late payment penalty for the regulatory fees for Radio Station WHVW-AM, Poughkeepsie, New York. You assert that you did not pay the regulatory fee on time because of a lack of funds, and that the penalty would be a financial hardship for your station.

On August 1, 1997, the Commission issued a Public Notice, FY 1997 Mass Media Regulatory Fees, to all licensees, advising them of their Fiscal Year 1997 regulatory fee obligations. Licensees were notified that fee payments were to be received by the Commission by September 19, 1997 and they were advised of their right to request deferment of the fees. The Commission in establishing the regulatory fee program said that it would "accept petitions for waiver, reduction and deferments [of the regulatory fees] so long as they are filed no later than the date payment is due." Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5345 ¶ 34 (1994). On April 21, 1998, and March 6, 1998, you were advised by letter, that the Commission had no record for the payment of your FY 1997 regulatory fee for WHVW and that you were to either submit payment or proof of payment. In response to the April 21, letter, you tendered payment of the regulatory fee and requested waiver of the late payment penalty. However, the check which you submitted in payment, was returned to the Commission for a lack of sufficient funds.

The Commission will consider timely waiver requests. However, you have made no attempt to show why you could not have filed the regulatory fee in a timely manner. Your failure to comply with the Commission's filing rules, has added to the Commission's regulatory burden and the check which you submitted in payment for the fee was returned. Under these circumstances you have not made a compelling showing of why the Commission should grant your untimely request for waiver of late payment penalty and that request is denied.

Mr. Joseph P. Ferraro

2.

Payment of the FY 1997 regulatory fee in the amount of \$1,200 and the late payment penalty of \$300 for Radio Station WHVW is now due. The aggregate \$1,500 fee and penalty should be filed together with a Form FCC 159 (copy enclosed) within 15 days from the date of this letter. You are cautioned, that the failure to submit payment as required, may result in further sanctions and the initiating of proceedings to recover the fees and penalty pursuant to the provisions of the Debt Collection Act.

If you have any questions concerning payment of the fee and penalty, please call the Chief, Fee Section at (202) 418-1995.

Sincerely,


Mark Reger,
Chief, Financial Officer

Enclosure

Jerry

9808048835174001



The Heart and Soul of American Music

Claudette Pride,
Billing and Collections Branch,
Federal Communications Commission
Washington, D.C. 20554

RECEIVED
FEDERAL COMMUNICATIONS COMMISSION
JUL 13 7 53 AM '98

4 July 1998

Dear Ms. Pride

I am writing to request an exemption from the \$ 300.00 late fee due on the regulatory fee of \$1200. The problem with paying the \$ 1200.00 on time was money, and this makes the hardship worse. I am a stand-alone AM, the only stand-alone station in the area. I must compete with multi-station local groups, not to mention signal spill-over from New York City and Albany. Arbitron totals 64 stations for this area in their pre survey list.

I appreciate your assistance in this matter.

Very truly yours,

J.P. Ferraro

Payment Transactions Detail Report

Date: 9/14/98

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9808048835174001	FERRARO, JOSEPH P 316 MAIN MALL	FCC19141	08/03/98

POUGHKEEPSIE NY 12601

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Code
\$1,225.00	\$0.00	2	ZZZZ	1	KQO489	FERRARO, JOSEPH P	12601	Y	\$25.00	1	PMT
\$1,225.00	\$0.00	4	ZZZZ	1	KQO489	FERRARO, JOSEPH P	12601	Y	(\$25.00)	1	ADJ
\$1,225.00	\$0.00	1	MGE7	1	WHVW	FERRARO, JOSEPH P	12601	Y	\$1,200.00	1	PMT
\$1,225.00	\$0.00	3	MGE7	1	WHVW	FERRARO, JOSEPH P	12601	Y	(\$1,200.00)	1	ADJ
Total		4							\$0.00		

000000 BCB - 98-073

WHVW
950AM*The Heart and Soul of American Music*

Jerry

Mr. Tom Putnam
Federal Communications Commission
Washington, D.C.

18 September 1998

Dear Mr. Putnam:

As per our 'phone conversation today, I am requesting an exemption from regulatory fees based on financial hardship.

Yours,

J.P. Ferraro

Note to file:

According to the applicant, J P Ferraro the only financial information available is his bank statement.

He has not filed 1997 tax returns at this time.

**Tom Putnam
9/18/98**